

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 11, 2003

DIVISION ONE

B151222 Catherine Thomas (Not for Publication)
 v.
 Robert F. Kennedy Medical Center, et al.

The judgment is affirmed. Defendants are entitled to their costs on appeal.

Ortega, J.

We concur: Spencer, P.J.
 Vogel (Miriam A.), J.

DIVISION TWO

B155518 Olson (Certified for Publication)
 v.
 Cohen, et al.

The judgment is affirmed. Respondents shall recover their costs of appeal from appellant.

Nott, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

B158087 People (Not for Publication)
 v.
 Carter

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Ashmann-Gerst, J.

March 11, 2003 (Continued)

DIVISION TWO (Continued)

B158365 People (Not for Publication)
v.
Harbor

The Court:

The judgment is affirmed.

Nott, Acting P.J., Doi Todd, J., Ashmann-Gerst, J.

DIVISION THREE

Court convened at 9:30 a.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

Each of the following:

B155868 People v. Arbuckle
B164760 Ana Q. v. S.C.L.A.
B157607 People v. Strickland
B151403 People v. Alsborg
B155455 People v. Landavere
B160035 People v. Brown
B160855 People v. Donata K.
B152072/B158370 People v. Angulo
B158059 Brosterman v. Loeb & Loeb
B157754 People v. Richard O.
B156103 People v. Teague
B154467 People v. Walker
B162042 People v. Kaplan
B154343 People v. Davitashuili

Argument waived, cause submitted.

DIVISION THREE (Continued)

B155618 Lau
 v.
 Oi

Merits:

Argued by Hugh A. Lipton for appellant and by Daniel B. Davisson for respondent. Cause submitted.

B152573 Pidduck
 v.
 Pidduck

Merits:

Argued by Leonard J. Meyberg, Jr. for appellant and by Gary J. Cohen for respondent. Cause submitted.

B158686 Arias
 v.
 Bank of America, et al.

Merits:

Argued by David B. Simpson for appellant and by Sana Swe for respondents. Cause submitted.

B154198 RNF Media, Inc., et al.
 v.
 Marketing, etc., et al.

Merits:

Argued by Stephen H. Marcus for appellants and by Michael S. Drucker for respondents. Supplemental letter briefs due by counsel on March 31, 2003, responses are due on April 11, 2003. Submission deferred.

DIVISION THREE (Continued)

B157749 Hannah-Clark
 v.
 Clark, et al.

Merits:

Argued by James R. Eliaser for appellant, by John Clark, in propria persona and by Emily Shappell Edelman for respondents. Cause submitted.

B153506 City of Hawthorne, et al.
 v.
 H&C Disposal Company

Merits:

Argued by Michael W. Fitzgerald for appellants and by Jean-Paul Marie Menard for respondent. Cause submitted.

Court recessed at 12:05 p.m.

Court reconvened at 1:30 p.m.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J. and Valorie Gray, Deputy Clerk.

B161436 Nightlife Partners, Ltd., et al.
 v.
 City of Beverly Hills

Merits:

Argued by Patrick Bobko for appellant and by Roger J. Diamond for respondents. Cause submitted.

B156328 People
 v.
 Weathermon

Merits:

Argued by Gerald Clausen for appellant and by Carl N. Henry, deputy attorney general for respondent. Cause submitted.

March 11, 2003 (Continued)

DIVISION THREE (Continued)

B155242 McCarthy, et al.
v.
Greenberg & Bass, et al.

Merits:
Argued by Henry T. Heuer for appellants and by Ian Feldman for respondents. Cause submitted.

B158044 Rosenblum
v.
Shayne

Merits:
Argued by Amy M. Caves for appellant and by Steven A. Morris for respondent. Cause submitted.

B149183 Stevedoring Services of America
v.
State Compensation Insurance Fund

Merits:
Argued by Alan Goldberg for appellant and by Andre Cronthall for respondent. Cause submitted.

Court adjourned at 4:58 p.m.

DIVISION FOUR

B155957 People (Not for Publication)
v.
Michelle Jackson

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

March 11, 2003 (Continued)

DIVISION FOUR (Continued)

B155605 People (Not for Publication)
v.
Diaz et al.

The judgments are affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

B155576 Santa Monica Observer Newspaper, Inc. (Not for Publication)
v.
Susan McCarthy and City of Santa Monica

The judgment is affirmed. Respondent(s) to recover costs.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

B150001 Hess (Not for Publication)
v.
Remolina, D.D.S., et al.,
Keller, et al.

The judgment of dismissal is reversed. The appeal of cross-appellant Harold Keller is dismissed. The matter is remanded to the Superior Court for further proceedings. Each party shall bear its own costs.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

DIVISION FIVE

B157187 People (Certified for Publication)
v.
Dante Michael Soiu

The order summarily denying without a hearing defendant's Penal Code section 1026.2 application for release is reversed. Upon issuance of the remittitur, the court is to hold a hearing consistent with the views expressed in the body of this opinion.

Turner, P.J.

We concur: Grignon, J.
Mosk, J.

B155934 Andre Andresian (Not for Publication)
v.
Charla Miller

The judgment is affirmed. Respondent(s) to recover costs.

Mosk, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

B163915 Brett W. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services, r.p.i.)

The motion of DCFS to take additional evidence is granted. The petition is granted in part and remanded to the juvenile court with directions to order DCFS to comply with the notice provision of the ICWA. If the children are "Indian children" within the meaning of the ICWA, the court must comply with the requirements of the ICWA. In all other respects, the petition is denied. Pursuant to California Rules of Court, rule 24(b)(3), this opinion is made final forthwith as to this court.

Mosk, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION FIVE (Continued)

B157134 People (Not for Publication)
v.
Jose Parada

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B160598 Los Angeles County, D.C.S. (Not for Publication)
v.
Edward C. et al.

The order terminating parental rights is vacated, and the matter is remanded to the juvenile court with directions to conduct further proceedings to determine whether the notices Department sent after entry of the order terminating parental rights were sufficient for the relevant tribe or the Bureau of Indian Affairs to determine whether S.G. is an Indian child. If the juvenile court determines that the notices were sufficient, and the responses Department received indicate that S.G. is not an Indian child, all previous findings and orders shall be reinstated. If the juvenile court determines that the notices were not sufficient, the court shall direct Department to comply with the ICWA notice provisions. If, after proper inquiry and notice, the Bureau of Indian Affairs or a tribe determines that S.G. is an Indian child as defined by the ICWA, the juvenile court is ordered to conduct a new section 366.26 hearing in conformity with all provisions of the ICWA. If, after proper inquiry and notice, no response from the Bureau of Indian Affairs or a tribe is received indicating that S.G. is an Indian child, all previous findings and orders shall be reinstated. In all other respects, the order terminating parental rights is affirmed.

Mosk, J.

We concur: Turner, P.J.
 Armstrong, J.

March 11, 2003 (Continued)

DIVISION FIVE (Continued)

B160665 People (Not for Publication)
v.
Robert C. Nash

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B159469 National Media, Inc. (Not for Publication)
v.
Equal Access Media West, Inc., et al.

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

I concur: Grignon, J.
I dissent: Mosk, J. (Opinion)

B155371 Ann Li Yia Huang, et al. (Not for Publication)
v.
Shi Shyan, et al.

The award of \$64,309 in attorneys' fees is affirmed. The award of \$1,697 in costs is reversed, and the matter remanded to the trial court so that the costs request may be reconsidered considered with this opinion. Each party to bear its own costs on appeal.

Armstrong, J.

We concur: Turner, P.J.
 Mosk, J.

DIVISION FIVE (Continued)

B156860 Mario Breceda (Not for Publication)

v.

County of Los Angeles

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur: Grignon, Acting P.J.

 Mosk, J.

B156377 David Taylor (Not for Publication)

v.

H & C Disposal Company

The judgment is reversed. Appellant(s) to recover costs.

Armstrong, J.

We concur: Turner, P.J.

 Mosk, J.

B158027 Standard Electrical Services

v.

State Compensation Insurance Fund, et al.

Filed order denying petition for rehearing.

B154457 People

v.

Manuel Morales

Filed order modifying opinion. (No change in the judgment)

DIVISION SIX

B155585 Eckersley, et al. (Not for Publication)
 v.
 Reichel, et al.

The judgment is affirmed. Costs are awarded to respondents.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

B156425 St. James (Not for Publication)
 v.
 Wiegert

The judgment is affirmed. Costs on appeal are awarded to Respondent.

Coffee, J.

We concur: Yegan, Acting P.J.
 Perren, J.

B155507 People (Certified for Publication)
 v.
 Starr

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
 Perren, J.

B154832 Nelson-Briggs (Not for Publication)
 v.
 County of San Luis Obispo

The judgment is affirmed. The County is entitled to its costs on appeal.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

March 11, 2003 (Continued)

DIVISION SIX (Continued)

B155473 People (Not for Publication)
v.
Klein

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

B156961 Pagliari (Not for Publication)
v.
Los Amigos Land and Cattle Management Corp.

The judgment is affirmed. Costs on appeal are awarded to respondent.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

B156963 People (Not for Publication)
v.
Humble

The judgment is modified to strike one of the five-year enhancements imposed under Penal Code section 667, subdivision (a). The trial court is directed to prepare an amended abstract of judgment and forward it to the Department of Corrections. In all other respects, the judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

March 11, 2003 (Continued)

DIVISION SEVEN

[illegible]

The judgment is affirmed.

Perluss, P.J.

We concur: Johnson, J.
 Woods, J.

B149153 Carina Nolasco (Not for Publication)
v.
The Regents of the University of California

The judgment is affirmed. Respondent(s) to recover costs.

Perluss, P.J.

We concur: Johnson, J.
 Munoz, J. (Assigned)

B155462 People (Not for Publication)
v.
Taylor

The judgment is affirmed.

Perluss, P.J.

We concur: Johnson, J.
Munoz, J. (Assigned)

March 11, 2003 (Continued)

DIVISION SEVEN (Continued)

3/11/2003

118816-03

THE HONORABLE AURELIO MUNOZ, Judge of the Superior Court of California, County of Los Angeles, is hereby assigned to assist the Court of Appeal, Second Appellate District, **Division SEVEN**, as a justice thereof, on the following date(s):

April 1, 2003 To May 31, 2003

and until completion and disposition of all causes and matters submitted pursuant to this assignment including, in necessary by reason of a vacancy or disqualification of a Court of Appeal justice, all petitions for rehearing arising out of such causes and matters.

This assignment does not extend to any matter in which the panel would be composed of two justices pro tempore.

March 3, 2003

Ronald M George
Chief Justice of California and
Chairperson of the Judicial council